



SECTOR 4

TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Complete if Known

Application Number	09/931,267
Filing Date	August 16, 2001
First Named Inventor	Clinton C.S. CHAPPLE et al.
Examiner Name	To Be Assigned
Group Art Unit	1645
Attorney Docket Number	N1422-005

Total Number of Pages in This Submission 12

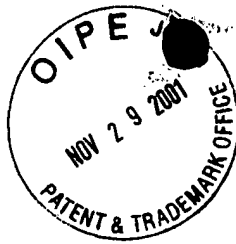
ENCLOSURES (check all that apply)

- | | | |
|---|---|--|
| <input checked="" type="checkbox"/> Fee Transmittal Form | <input type="checkbox"/> Assignment Papers | <input type="checkbox"/> After Allowance Communication to Group |
| <input checked="" type="checkbox"/> Fee Attached | <input type="checkbox"/> Drawing(s) | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences |
| <input type="checkbox"/> Amendment/Reply | <input type="checkbox"/> Licensing-related Papers | <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) |
| <input type="checkbox"/> After Final | <input type="checkbox"/> Petition | <input type="checkbox"/> Proprietary Information |
| <input type="checkbox"/> Affidavits/declaration(s) | <input type="checkbox"/> Petition to Convert to a Provisional Application | <input type="checkbox"/> Status Letter |
| <input type="checkbox"/> Extension of Time Request | <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address | <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): |
| <input type="checkbox"/> Express Abandonment Request | <input type="checkbox"/> Terminal Disclaimer | <p>Preliminary Amendment</p> |
| <input type="checkbox"/> Information Disclosure Statement | <input type="checkbox"/> Request for Refund | |
| <input type="checkbox"/> Certified Copy of Priority Document(s) | <input type="checkbox"/> CD, Number of CD(s) | |
| <input checked="" type="checkbox"/> Response to Missing Parts/ Incomplete Application | | |
| <input checked="" type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | | |

REMARKS:

SUBMITTED BY		Complete (if applicable)	
NAME & REG. NUMBER	Nancy T. Morris, #42,017		
SIGNATURE	DATE	DEPOSIT ACCOUNT USER ID	
	November 13, 2001		

N1422-005
NTM/sav



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of)
CLINTON C.S. CHAPPLE et al.) Box Missing Parts
Serial No. 09/931,267) Attention:
Filed: August 16, 2001) Applications Branch
For: GENES ENCODING)
P-COUMARATE)
3-HYDROXYLASE (C3H) AND)
METHODS OF USE)

RESPONSE TO NOTICE TO FILE MISSING PARTS

Box Missing Parts
Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

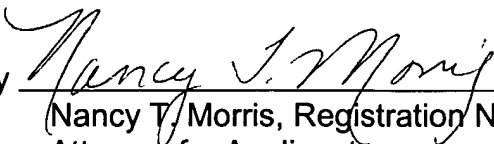
In response to a Notice to File Missing Parts of Application under 37 CFR 1.53(b) dated October 3, 2001, response copy attached, Declarations and Powers of Attorney identifying the above-referenced application by Serial Number and Filing Date are being herewith submitted. Also attached is a check in payment of the following fees:

\$ 65.00	(surcharge under 37 C.F.R. 1.16(e))
370.00	(basic filing fee)
<u>432.00</u>	(additional claims fee)
\$ 867.00	TOTAL

A Preliminary Amendment is being filed concurrently with this Response to Notice of Missing Parts to correct typographical errors in the application.

Please charge any additional fees or credit any overpayment for the payment of the filing fee, any extra claims fees or the surcharge to deposit account number 02-2135.

Respectfully submitted,

By 
Nancy T. Morris, Registration No. 42,017
Attorney for Applicants
ROTHWELL, FIGG, ERNST & MANBECK, p.c.
555 13th Street NW, Suite 701-E
Washington, D.C. 20004
Telephone: (402) 333-1550

Enclosure(s): 4



**FEE TRANSMITTAL
for FY 2001
(Small Entity)**

FEE TRANSMITTAL for FY 2001 (Small Entity)		Complete if Known	
		Application Number	09/931,267
		Filing Date	August 16, 2001
		First Named Inventor	Clinton C.S. CHAPPLE et al.
		Examiner Name	To Be Assigned
		Group Art Unit	1645
Total Amount of Payment	(\$) 867.00	Attorney Docket Number	N1422-005

METHOD OF PAYMENT (check one)

1. ☒ The Commissioner is hereby authorized to charge additional fees and credit any overpayment to Deposit Account Number 02-2135 in the name of Rothwell, Figg, Ernst & Manbeck

☐ Charge any Additional Fee Required Under 37 CFR 1.16 and 1.17

2. ☒ Payment Enclosed: Check

FEE CALCULATION

1. FILING FEE

Fee Code	Fee \$	Fee Description	Fee Paid
201	370	Utility filing fee	[370]
206	165	Design Filing Fee	[]
207	255	Plant Filing Fee	[]
208	370	Reissue Filing Fee	[]
214	80	Provisional Filing Fee	[]

SUBTOTAL \$370.00

2. CLAIMS

	Extra Claims	Fee	Fee
Paid			
Total Claims	[26] - 20** = [6] x	\$ 9 =	[54]
Independent Claims	[12] - 3** = [9] x	42 =	[378]
Multiple Dependent Claims	+	140 =	[]

**or number previously paid, if greater;

SUBTOTAL \$ 432

FEE CALCULATION (continued)

3. ADDITIONAL FEES

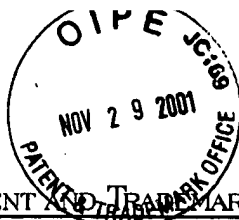
Fee Code	Fee Paid	Fee Description	Fee Paid
205	65	Surcharge - late filing fee or oath	[65]
227	25	Surcharge - late provisional filing fee or cover sheet	[]
139	130	Non-English specification	[]
147	2,520	For filing a request for reexamination	[]
112	920	Requesting publication of SIR prior to Examiner action	[]
113	1,840*	Requesting publication of SIR after Examiner action	[]
215	55	Extension for reply within first month	[]
216	200	Extension for reply within second month	[]
217	460	Extension for reply within third month	[]
218	720	Extension for reply within fourth month	[]
228	980	Extension for reply within fifth month	[]
219	160	Notice of Appeal	[]
220	160	Filing a brief in support of an appeal	[]
221	140	Request for Oral Hearing	[]
138	1,510	Petition to institute a public use proceeding	[]
240	55	Petition to revive -unavoidable	[]
241	640	Petition to revive - unintentional	[]
242	640	Utility issue fee (or reissue)	[]
243	230	Design issue fee	[]
244	310	Plant issue fee	[]
122	130	Petitions to the Commissioner	[]
123	50	Petitions related to provisional applications	[]
126	180	Submission of Information Disclosure Statement	[]
581	40	Recording each patent assignment per property (times number of properties)	[]
246	370	Filing a submission after final rejection (37 CFR .129(a))	[]
249	370	For each additional invention to be examined (37 CFR 1.129(b))	[]
279	370	Request for Continued Examination (RCE)	[]
169	900	Request for expedited examination of a design application	[]

Other fee (specify)

* Reduced by Basic Filing Fee Paid

SUBTOTAL \$65

SUBMITTED BY		Complete (if applicable)	
NAME AND REG. NUMBER	Nancy T. Morris, Reg. No. 42,017		
SIGNATURE		DATE	November 13, 2001
		DEPOSIT ACCOUNT USER ID	



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/931,267	08/16/2001	Clinton C.S. Chapple	N1422-005

6449

ROTHWELL, FIGG, ERNST & MANBECK, P.C.
555 13TH STREET, N.W.
SUITE 701, EAST TOWER
WASHINGTON, DC 20004

RECEIVED/DOCKETING
ROTHWELL FIGG ERNST & MANBECK
OCT - 5 - 2001
REFERRED TO
FILE NO. N1422-0005
OK TO FILE

CONFIRMATION NO. 1973

FORMALITIES LETTER



OC000000006840171

Date Mailed: 10/03/2001

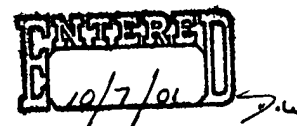
NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

11/30/2001 EABUBAK1 00000022 09931267

FILED UNDER 37 CFR 1.53(b)

01 FE :201	370.00 OP
02 FE :202	378.00 OP
03 FE :203	54.00 OP
04 FE :205	65.00 OP

Filing Date Granted



An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
Applicant must submit \$ 355 to complete the basic filing fee for a small entity.
- Total additional claim fee(s) for this application is \$414.
 - \$54 for 6 total claims over 20.
 - \$360 for 9 independent claims over 3.
- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 834.**

The following item(s) appear to have been **omitted** from the application:

- Figure(s) **3A-C & 5A-C** described in the specification.

I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the U.S. Patent and Trademark Office (USPTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$130.00 petition fee (37 CFR 1.17(h))) with evidence of such deposit **must** be filed within **TWO MONTHS** of the date of this Notice. The petition fee will be refunded if it is determined that the item(s) was received by the USPTO.

II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the USPTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$130.00 petition fee (37 CFR 1.17(h))) requesting the later filing date **must** be filed

within **TWO MONTHS** of the date of this Notice.

III. The failure to file a petition (and petition fee) under the above options (I) or (II) within **TWO MONTHS** of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the USPTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) or (b).** In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the USPTO, and original application papers (*i.e.*, the original disclosure of the invention) will include only those application papers present in the USPTO on the date of deposit.

In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the references in the specification to the drawing figures to correspond with any relabelled drawing figures, is required. Any drawing changes should be accompanied by a copy of the drawing figures showing the proposed changes in red ink. Such amendment and/or correction to the drawing figures, if necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.

.....
A copy of this notice MUST be returned with the reply.



Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

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